

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

NICK PEARSON, FRANCISCO PADILLA,
CECILIA LINARES, AUGUSTINA BLANCO,
ABEL GONZALEZ, and RICHARD JENNINGS,
On Behalf of Themselves and All Others
Similarly Situated,

Plaintiffs,

v.

NBTY, INC., a Delaware corporation; and
REXALL SUNDOWN, INC., a Florida
Corporation; and TARGET CORPORATION, a
Minnesota Corporation,

Defendants.

Case No.: 11 CV 07972

CLASS ACTION

Judge James B. Zagel

**PLAINTIFFS' MOTION
FOR FINAL APPROVAL OF CLASS
ACTION SETTLEMENT AND AWARD
OF ATTORNEYS' FEES AND
EXPENSE AND INCENTIVE AWARDS**

TO: All Parties and Their Attorneys of Record:

Pursuant to Fed. R. Civ. P. 23, Plaintiffs, Nick Pearson, Francisco Padilla, Cecilia Linares, Augustina Blanco, and Abel Gonzalez, by their counsel Bonnet, Fairbourn, Friedman & Balint, P.C. and Stewart M. Weltman, LLC (Of Counsel Levin Fishbein Sedran & Berman), and Richard Jennings, by his counsel Denlea & Carton LLP, (collectively, "Plaintiffs"), respectfully move the Court for Final Approval of the class-action settlement reached in this matter, more fully set forth and described in detail in the accompanying Memorandum in Support of Motion for Final Approval of Class Action Settlement, and the entry of a Final Judgment: (1) providing Final Approval of the Settlement Agreement as fair, reasonable, adequate, and in the best interests of the Class; (2) certifying, for all purposes, under Rule 23(b)(3), a class as defined in the Settlement Agreement, and appointing Plaintiffs' counsel as Class Counsel for the

Class; (3) awarding attorneys' fees and expenses to Class Counsel as provided for in the Settlement Agreement; (4) awarding Plaintiffs incentive awards as provided for in the Settlement Agreement; and (5) granting such other and further relief as is stated in the proposed Final Judgment and Order submitted by Plaintiffs in connection with this motion.

Dated: September 4, 2013

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CERTIFICATE OF SERVICE

I hereby certify that on September 4, 2013, a true and correct copy of the following document was electronically filed and served on all counsel of record in this action who are deemed to have consented to electronic service via the Court's CM/ECF system: **Plaintiffs' Motion for Final Approval of Class Action Settlement and Award of Attorneys' Fee and Expenses and Incentive Awards.**

I also certify that the foregoing document is being served by U.S. Mail this day on all counsel of record or *pro se* parties identified below who are not authorized to receive electronically Notices of Electronic Filing.

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